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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,  
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11 Plaintiff,  
12 v.  
13 BRYAN MICHAEL POLLESTAD,  
14 Defendant.

Case No. CR20-088-RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL

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16 This matter comes before the Court on defendant's "Unopposed Motion Requesting  
17 Continuance of Trial Date." (Dkt. # 40). Having considered the facts set forth in the motion,  
18 and defendant's knowing and voluntary waiver (Dkt. # 42), the Court finds as follows:

19 1. The Court adopts the facts set forth in the unopposed motion: in particular, that:  
20 (a) defendant has another pending case before the U.S. District Court for the Western District of  
21 Washington, *United States v. Villasenor*, CR20-137-JCC. *Villasenor* involves extensive  
22 discovery and preparation in advance of a trial date of June 20, 2022. The parties have been  
23 working on a global resolution of this case and *Villasenor*; and (b) defendant's counsel has a  
24 trial in Pierce County Superior Court scheduled for January 4, 2022 and expected to last three  
25 weeks, which therefore conflicts with defendant's current trial date in this case of January 18,  
26 2022. The Court accordingly finds that a failure to grant a continuance would deny counsel, and  
27 any potential future counsel, the reasonable time necessary for effective preparation, taking into  
28 account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

ORDER GRANTING UNOPPOSED  
MOTION TO CONTINUE TRIAL - 1

1           2.       The Court finds that a failure to grant a continuance would likely result in a  
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3           3.       The Court finds that the additional time requested between January 18, 2022, and  
4 the proposed trial date of July 25, 2022, is a reasonable period of delay. The Court finds that  
5 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,  
6 as defendant has requested more time to prepare for trial, to continue to investigate the matter, to  
7 gather evidence material to the defense, and to consider possible defenses. The additional time  
8 requested between the current trial date and the new trial date is necessary to provide counsel for  
9 the defendant the reasonable time necessary to prepare for trial, considering all of the facts set  
10 forth above.


11           4.       The Court further finds that this continuance would serve the ends of justice, and  
12 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
13 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

14           5.       Defendant has signed a waiver indicating that he has been advised of his right to a  
15 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
16 that right and consented to the continuation of his trial to a date up to and including August 8,  
17 2022, Dkt. # 42, which will permit his trial to start on July 25, 2022.

18           IT IS HEREBY ORDERED that the trial date shall be continued from January 18,  
19 2022 to July 25, 2022, and pretrial motions are to be filed no later than June 20, 2022;

20           IT IS FURTHER ORDERED that the period of time from the current trial date of January  
21 18, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy  
22 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting  
23 of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),  
24 (h)(7)(A), and (h)(7)(B).

25           DATED this 23rd day of December, 2021.  
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Robert S. Lasnik  
United States District Judge